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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,431	09/27/2000	John M. Crawford JR.	P24368 USA	6067

7590

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Gregory S Bernabeo Esquire  
Synnestvedt & Lechner LLP  
2600 Aramark Tower  
1101 Market Street  
Philadelphia, PA 19107-2950

EXAMINER

VAUGHN, GREGORY J

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 09/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/671,431

Applicant(s)

CRAWFORD, JOHN M.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Application History***

1. This action is responsive to the application filing, Application filed on 9/27/2000.
2. Applicant submits Preliminary Amendment on 8/11/2004, which amends claim 1 and adds claims 2-17.
3. Claims 1-17 are pending in the case, claims 1, 12 and 17 are independent claims.

### ***Priority***

4. Applicant's claim for domestic priority of US provisional application 60/156,344, filed 9/27/1999, under 35 U.S.C. 119(e) is acknowledged.

### ***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.74 because they include the following figures that are not mentioned in the detailed description:
  - Figure 11.
  - Figure 12.
  - Figure 13.
  - Figure 14.
  - Figure 15.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the figures in the detailed description, are required in reply to the

Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

6. The disclosure is objected to because of the following informalities:

- The *Detailed Description* section of the disclosure fails to disclose those figures listed in paragraph 4 above, which are shown in the drawings.

Appropriate correction is required.

7. The use of the following trademarks has been noted in this application:

- "Kevlar" on page 12, lines 7 and 8; page 16, line 3; page 18, line 5.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

8. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

10. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah US Patent 6,697,824, filed 8/31/1999, patented 2/24/2004 (hereinafter Amuah).

11. **Regarding independent claim 1**, Amuah discloses a computer-implemented method for viewer specific presentation of information. Amuah recites: "*A system and method are provided for interacting with a user over a network for personalizing a website*" (column 2, lines 16-17).

Regarding the first limitation of the claim, Amuah discloses in Figure 12 at reference sign 1202, receiving a request for information.

Regarding the second limitation of the claim, Amuah disclose in Figure 16 at reference sign 1606 identifying a viewer state (shown as "*Building a profile of the user*").

Regarding the third limitation to the claim, Amuah discloses in Figure 16 at reference sign 1610, identifying a collection of data stores related to the viewer state (shown as *"Analyzing the profile and the contents in order to match attributes of the profile of the user and attributes of the contents"*).

Regarding the fourth limitation to the claim, Amuah discloses a collection of data types. Amuah recites: *"It is important to understand the robustness of the data model as well as the impacts to the system if changes need to be introduced. The system may involve storage and access to many non-discrete data types"* (column 31, lines 56-59).

Regarding the fifth limitation to the claim, Amuah discloses in Figure 18 at reference 1714, a data element data store (shown as *"Content Catalog"*). Amuah further describes the *"Content Catalog"* as: *"As illustrated in FIG. 21, content may be Web pages (HTML pages) 2102, graphics (images) 2104, audio, video, or even information 2106 and messages. How this content is stored may also take many forms; it may be stored in table, files or directories. The content catalog needs to be aware of what content exists and where it is stored. This can be achieved by retaining attributes of the content and providing indexing to the content. Content attributes might be physical properties such as what type of content it is (HTML page, graphic, audio file, video file or textual message) or the size of the content"* (column 48, lines 28-39).

Regarding the sixth limitation to the claim, Amuah discloses selecting view specific data elements in Figure 16 at reference sign 1612 (shown as *"Selecting the contents which have attributes that match the attributes of the profile of the user"*).

Regarding the seventh limitation to the claim, Amuah discloses in Figure 16 at reference sign 1614, presenting the viewer specific data (shown as *"Delivering the selected contents to the user"*).

12. **Regarding dependent claims 2 and 3**, Amuah defines a viewer state as: *"The user may also be identified by using a cookie, receiving user input, and digital certificates"* (column 33, lines 26-28). Amuah further discloses a user order of preference. Amuah recites: *"The core technology personalizes both the delivery of content and the knowledge of related people within a defined networked environment, or "taste space." Firefly tools correlate individual user's preferences for specific items based on either explicit or implicit ratings of comparable items in other situations. These ratings may be stored entirely within a single Web site or compiled on the fly from information assembled from individual clients and shared servers"* (column 53, lines 7-14).

13. **Regarding dependent claim 4**, Amuah discloses an entity data store in Figure 18 at reference sign 1700 (shown as *"User Profiles"*). Amuah discloses a data element data store in Figure 18 at reference sign 1714 (shown as *"Content Catalog"*). Amuah discloses tagging the data elements with the entities in Figure 18 at reference sign 1716 (shown as *"Matching Logic"*). Amuah discloses selecting

entity specific data elements for each entity and viewer specific data elements in Figure 18 at reference sign 1700 (shown as "*Rules/Conditions*") and at reference sign 1718 (shown as "*Content Merge*"). Amuah discloses presenting the viewer specific data elements in Figure 18 at reference sign 1718 (shown as "*Delivery*").

14. **Regarding dependent claim 5**, Amuah defines a viewer state as: "*The user may also be identified by using a cookie, receiving user input, and digital certificates*" (column 33, lines 26-28). Amuah further discloses a user order of preference. Amuah recites: "*The core technology personalizes both the delivery of content and the knowledge of related people within a defined networked environment, or "taste space." Firefly tools correlate individual user's preferences for specific items based on either explicit or implicit ratings of comparable items in other situations. These ratings may be stored entirely within a single Web site or compiled on the fly from information assembled from individual clients and shared servers*" (column 53, lines 7-14).
15. **Regarding dependent claims 6-11**, the claims are rejected for fully incorporating the deficiencies of their base claims.
16. **Regarding independent claims 12 and 17**, the claims contain substantially the same subject matter as claim 1, and are rejected using the same rationale.
17. **Regarding dependent claim 13**, the claim contains substantially the same subject matter as claim 2, and is rejected using the same rationale.



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18. **Regarding dependent claim 14**, the claim contains substantially the same subject matter as claim 3, and is rejected using the same rationale.
19. **Regarding dependent claim 15**, the claim contains substantially the same subject matter as claim 4, and is rejected using the same rationale.
20. **Regarding dependent claim 16**, the claim contains substantially the same subject matter as claim 5, and is rejected using the same rationale.

**Conclusion**

21. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-5,812,865	09-1998	Theimer et al.
• US-5,860,073	01-1999	Ferrel et al.
• US-6,023,271	02-2000	Quaeler-Bock et al.
• US-6,119,101	09-2000	Peckover, Douglas L.
• US-6,157,923	12-2000	Ivler et al.
• US-6,173,316	01-2001	De Boor et al.
• US-6,182,095	01-2001	Leymaster et al.
• US-6,192,377	02-2001	Ganesh et al.
• US-6,233,571	05-2001	Egger et al.
• US-6,240,422	05-2001	Atkins et al.
• US-6,327,609	12-2001	Ludewig et al.
• US-6,345,279	02-2002	Li et al.
• US-6,401,094	06-2002	Stemp et al.
• US-6,412,008	06-2002	Fields et al.
• US-6,421,675	07-2002	Ryan et al.
• US-6,499,023	12-2002	Dong et al.
• US-6,513,031	01-2003	Fries et al.
• US-6,516,349	02-2003	Lieberman, Noah
• US-6,519,571	02-2003	Guheen et al.
• US-6,609,128	08-2003	Underwood, Roy Aaron
• US-6,633,878	10-2003	Underwood, Roy Aaron
• US-6,718,535	04-2004	Underwood, Roy Aaron
• US-6,775,669	08-2004	Uesaka, Hiroyuki

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672 (after 10/12/2004 use (571) 272-4131). The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (703) 308-5465 (after 10/12/2004 use (571) 272-4124). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (after 10/12/2004 use (571) 272-2100).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
September 2, 2004



**STEPHEN S. HONG**  
**PRIMARY EXAMINER**